

SENATE BILL 2797

By Bell

AN ACT to amend Tennessee Code Annotated, Title 26,
Chapter 2, Part 3, relative to the homestead.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 26-2-301, is amended by deleting the section in its entirety and by substituting instead the following language:

(a)

(1) As used in this section, "homestead" means a residence together with no more than one-half acre of contiguous land whether individually or jointly owned, by an individual, whether a head of family or not, and used by the individual and the individual's spouse and minor children living in such homestead as a principal place of residence.

(2) There shall be exempt from forced sale a homestead under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, or debts contracted for the purchase money of such homestead or improvements thereon or debt secured by the homestead when the exemption has been waived by written contract.

(3) If a marital relationship exists, a homestead exemption shall not be alienated or waived without the joint consent of the spouses.

(b) The homestead exempted pursuant to this section shall not be subject to execution, attachment or sale under legal proceedings during the life of owner of the homestead. Upon the death of an individual who is head of a family, any such exemption shall inure to the benefit of the surviving spouse and their minor children for

as long as the spouse or the minor children use such property as a principal place of residence.

(c) Nothing in subsection (a) shall limit the seizure and sale of property declared to be contraband pursuant to state or federal law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.